City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
AND RECOMMENDATION TO THE SUPERINTENDENT OF SEATTLE CITY LIGHT

Application Number: 2201672

Applicant Name: Gary Abrahams for T-Mobile Wireless

Address of Proposal: 3246 32nd Ave W

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a minor communication utility (T-Mobile). The proposed minor communication utility would consist of three (3) panel antennas located within the right-of-way (alley) atop a City Light utility pole. An associated sixty-six (66) square foot electrical equipment cabinet area is proposed to be located on private property within an existing garage.

The following Master User Permit components are required:

- **Siting Recommendation to Superintendent of Seattle City Light –** Chapter 23.57.10-C2
- **ACU – Administrative Conditional Use** – Chapter 23.57.10-C2
- **SEPA - Environmental Determination** – Chapter 25.05, Seattle Municipal Code (SMC)

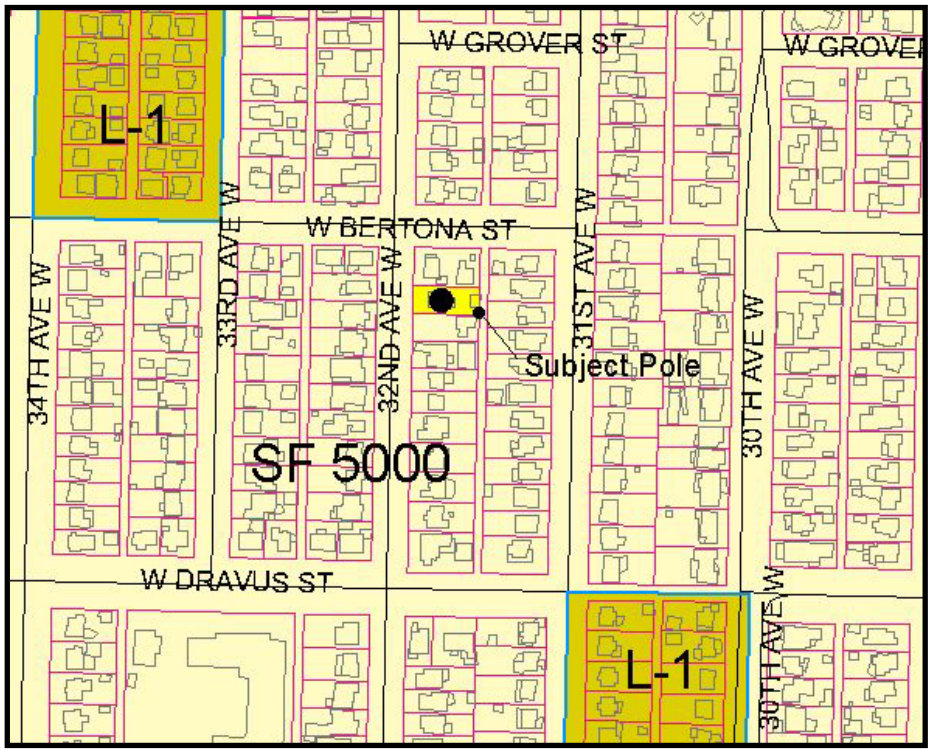
SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description



The site is located in the Magnolia Neighborhood of Seattle between 32nd and 31st Avenues W just south of W Bertona St. The proposed utility pole is to be located in alley right of way east of the subject site in the Single Family (SF 5000) zone. The mechanical equipment is proposed to be located completely within the existing two-car garage on the lot, with both existing parking spaces being eliminated and one space is proposed on a gravel parking area to the north of the subject garage. Vehicle access to the garage is via the adjacent improved concrete sixteen (16) foot alley. Zoning in the area is predominantly residential in character, with small areas of Neighborhood Commercial (NC-1 & NC-2) zoning to the northwest and south of the subject site. The site is located in a predominantly Single Family zone with Lowrise (L1) zones located northwest and southeast of the subject site. Notably there is a small Lowrise (L2) zone to the south and a larger Lowrise (L3) zone east to northeast of the subject site. The subject site has a unique site characteristic in that it is located in a "bowl" like geographic area of Magnolia which has a general east to west boundary by 27th and 38thAvenues W. The subject site falls in between the two said avenues at the lower elevation area of the "bowl."

Proposal Description

The applicant proposes a Minor Communications Utility facility consisting of three (3) panel antennas to be mounted, with a shroud, to a new 61'-1" high, laminated wood pole. The new utility pole would be brown to resemble the other utility poles in the area. The associated electronic equipment cabinet will be located inside a garage as previously stated. The connecting cables to the external antennas will be buried underground and concealed by way of a "cable cover" attached to the utility pole. The width of the pole including the "cable cover" is proposed to be 2'-1 ½" by 1'-4 ¼". The "cable cover" conduit housing would be attached to the pole in order to house the four (4) – four (4") inch PVC conduits which house the antenna cables and two (2) – two (2) inch power conduits, for a total of six (6) conduit wires to be run through the said housing. The new wood laminated utility pole would replace the existing utility pole at the same location in the alley. The height of the existing utility pole to be replaced is forty-two (42') feet. The height of the new wood laminated utility pole would be 61'-1", measured to the top of the antenna shroud. A two (2) foot lighting rod would be placed on top of the shroud, for

a total height of 63'-1" from grade to the top of the lighting rod. The size of the proposed equipment cabinet area is approximately sixty-six (66) sq. ft. and would be placed in the garage, effectively reducing the use of the garage to an accessory structure as the required parking would be relocated to the north of the garage in the form of one space located on gravel. The applicant proposed a parking space to be located within the accessory structure, but does not meet the requirements of a legal parking space or code conforming aisle (back-up) space. The equipment for the facility would be accessed via the sixteen (16) foot alley from W Bertona St. The pole is proposed to be located approximately one (1) foot north from the southern property line and approximately two (2) feet east from the eastern property line from the subject lot. The coax conduits will be run underground into the alley and then southeast to the proposed location of the pole.

Comments

The original comment period for the project ended on October 2nd 2002 after a request for an extension was granted. The project was re-noticed on January 30th 2003 and the final comment period was extended on the revised application to February 2nd 2003. Twelve (12) comment letters were received. A substantial number of phone calls were received concerning the proposal, process and application requirements for the Master Use Permit. Also, a signed petition by residents of Magnolia opposing the project containing nineteen (19) signatures was submitted on October 1, 2002. The petition opposed the proposal on the basis that is not consistent with the character of the neighborhood. The submitted comments were related to pole height, health safety, view blockage, vehicle traffic safety, visual impacts, diminished property values and housing resale difficulty.

ANALYSIS - SITING RECOMMENDATION TO SUPERINTENDENT OF SEATTLE CITY LIGHT

The Street and Sidewalk Use Chapter of the Seattle Municipal Code allows Class II Special Attachments (minor communication utilities) to be placed on utility poles owned by Seattle City Light that are located on public rights of way. Class II Special Attachments are specifically regulated by SMC Section 15.32.300. This Section allows for minor communication utilities, or other Class II Special Attachments, to extend above the electrical facilities (wires) on top of an existing pole, or the replacement of an existing pole to achieve adequate height for the applicant's purposes. Section 15.32.300 further requires that all costs of such replacements be borne by the communications provider, and that the visual impacts of minor communication utilities and other Class II Special Attachments shall be reduced to a degree acceptable to the Superintendent of City Light.

Where a request for Class II attachment is made, and the proposed location is on either an arterial or a non-arterial street located within a Single Family (SF 5000) zone, the applicant shall apply to DPD and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an Administrative Conditional Use (ACU) permit. The DPD recommendation shall be advisory to the Superintendent of City Light. The specific ACU criteria can be found in SMC Section 23.57.010-C2. The criteria to be considered in the recommendation from DPD, are as follows:

a. The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be

> *the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposal includes a laminated wood utility pole to be located in the alley between 31st and 32nd Avenues W. and the associated mechanical equipment to be located within a single family garage located approximately ten (10') feet away from the proposed pole location. The area of the pole location and mechanical equipment is zoned Single Family (SF 5000). The height of the utility pole, to the top of the shroud, would be 61'1" and would replace an existing 42' tall utility pole. The antennas would be mounted within a shroud and painted to match the color of the existing wood poles in the area. All conduits (cables) would be concealed within an attached "cable cover" attached to the proposed laminated wood pole. The pole is proposed to have an area of 2'-1 ½" x 1'-4 ¼", which includes the cable cover attached to the pole. At the base of the proposed pole a conduit routing housing (approx. 1.5' x 1.5') is attached, measuring approximately three (3) feet in height at the highest point and one (1) foot in height at its lowest point. The housing height decreases as it moves away from the pole. This housing allows for the required conduits to be routed from the ground into the attached cable cover.

The applicant stated in the original submittal of the Administrative Conditional Use (ACU) application zoning analysis document, "…there were no viable institutional buildings or willing landlords in the area." The applicant's submitted search ring is generally bounded by 35th Ave W (west boundary), 30th Ave W (east boundary), W Barrett St (south boundary), and a continuation of W Tilden St (north boundary). The search ring is completely within residential zones (L1, L2 & SF 5000). In the ACU application the applicant states that "significant deviation from this location (the subject site) will result in reduced effectiveness, including possible invalidation of the site candidate altogether."

In a correction response dated November 21 2003, the applicant addressed possible alternative site locations as requested by the Department. The following statements about the possible alternative sites are a summary of the proponent's analysis, further analysis by DPD will follow. The applicant dismissed the Neighborhood Commercial zones to the north (NC-1 and NC-2) as being located "too far from the search area to provide adequate service to the "bowl." The Lowrise zone (L1) zone northwest of the subject site located in the search area, due to its low elevation, would require a pole height that would be substantially higher than the currently proposed height. This L1 zoned block is unique in that a majority of parcels are developed with two residential structures and many of the parcels have structures which face the alley. As a result of these two characteristics, the proponent rejected the L1 zone to the northwest. The L2 zone to the south is a small spot zone that has two structures located on it. The proponent attempted to reach lease agreements at each of the sites but either the landlord was not interested, or the candidate was rejected as the landlord was not able to find any place on the property for the required mechanical support equipment. The L1 zone to the southeast of the subject site was deemed to be to low in elevation in relation to the ridgeline just east at 30th Ave W, as a result a utility in this area would not provide the necessary coverage due to the ridgeline, and would not be adequate for capacity reasons. The Lady of Fatima Faith Church located at 3301 W Dravus St was considered for siting. The difficulty with the site is that both locations that were entertained by the Church were too far away from any ground equipment location and as a result the site was rejected.

Prior to the submittal of the response to the two corrections (11.21.03) requested by the department, clarification of the City's preference of siting such facilities was communicated to T-Mobile (1.13.03). The zone locational preference is as follows: 1) industrial and commercial, 2) multifamily, 3) single family along arterials, and 4) single family non-arterials, last. Further, the application was originally noticed as a Council Conditional Use under the old telecommunications code, but when the new code was signed by the Mayor on October 2, 2002, a request by the applicant asked that the project be re-noticed under the new code as an Administrative Conditional Use. Since the project was re-noticed on January 30, 2003 and the preference agreement was reached by January 13, 2003, the applicant was aware of the City's preference for siting on SCL poles.

As a result, the L1 zone to the northwest of the subject site while lower in elevation would serve as a lesser intrusive location per the City's siting preferences which were known by the proponent. The L2 zone to the south of the subject site was dismissed because there was no place to put the mechanical equipment, but the option to put the mechanical equipment in the ground or "vault" is always an option and could have been a solution to the problem of no storage space. Again this location is preferred by the city and exhausting all possibilities was not given to site the utility there. Further, Our Lady of Fatima Faith Church was open to having the utility placed on their property or on a SCL pole, but was dismissed because the location of the mechanical equipment would be too far away from the Church's preferred two locations. The mechanical equipment could be located below ground/"vaulted" on private property or in the right of way. The proponent did not exhaust all design possibilities to site the utility. Lastly the Department stipulates that the other alternative sites listed in the second correction letter (Magnolia Bluff Park, Commercial Zones to the north, Magnolia water tower, L1 zone to the southeast) will not meet coverage objective because either they are outside of the search ring or because of natural occurring topography.

Aspects of the proposal would cause some visual impacts to the residential character of the surrounding single family neighborhood. There are many utility poles in the area and analysis comparing bulk and height of the proposed pole with existing poles will provide more context to speak to the intrusiveness of the proposal. In or near the subject alley, there are five (5) poles, with four of them having pole lengths of 47' and the northerly pole being 65' in length. The sited pole *lengths* are *total lengths* of the poles including the sub-terrainian portions of the pole. So the above ground height of the poles measured from grade is less than the sited pole length. Using Seattle City Light's method for pole depth (sub-terrainian) requirements*, the approximate above ground heights of the poles in the alley are as follow: 40.3'** for the four-47' foot poles and 56.5'**[1] for the 65' pole, measured to the top of the pole not including attachments. Existing poles in the area are round in design and based on the applicant's information, the pole diameters range from 8.6" to 20.4," with the majority of poles being between 14" and 16" in diameter. A typical 15" diameter pole, which is the approximate diameter of the existing pole, would yield an area of 176 square inches where as the proposed replacement pole will have an area of 394 square inches. The proposed pole will have twice as much volume as the existing pole and will be significantly larger in bulk and scale when compared to surrounding poles. Also, the pole is proposed to have climbing pegs which add to the overall bulk and visual intrusiveness, as climbing pegs are not common to poles in the area. The proposed 61'-1" utility pole and cellular

[1] See footnote on page 6 of 14

antennas will have detrimental effects to the visual character of the surrounding residential neighborhoods, for the following reasons:

1. The proposed laminated wood utility pole would be 19'-1" taller, not including the lighting rod) than the existing utility pole.

2. The proposed laminated wood utility pole design has both a shape and overall bulk that is rectangular, and is proportionally bigger than of a typical round wood utility pole. The overall dimension would be approximately 2'-1 ½" x 1'-4 ¼", yielding a area of approximately 394 square inches where the existing pole has a area of approximately 176 square inches.

3. The proposed antennas and the antenna shroud are atypical of other equipment, including transformers, located in residentially zoned public rights-of-way. Specifically, the height of the shroud and antennas would make them highly visible. This is largely due to the fact that the proposed antenna would be located above the existing utility lines and would be 19'-1" taller than the existing utility pole.

4. The conduit cables are proposed to be exposed for approximately four (4) feet as they leave the top of the cable cover until they reach the bottom of the antenna housing, adding to the awkwardness of the pole when compared with the design of other utility poles in the area.

5. There are existing poles in the area that provide a context. The existing pole directly south, approximately 100' of the subject pole is approximately 40.3'** in height and the pole directly north approximately 136' of the subject pole is 56.5'** in height. The proposed pole at 61'-1", while close in height to a small number of poles in the area, will be out of character with the neighborhood. Table 1 below shows the approximate heights of the utility poles within 450' of the subject pole. While a limited number of poles in the area are of comparable height, the majority of the poles are 13.5+' less in height than the proposed height of the pole.

Utility Poles Within 450' of Subject Pole

Pole Length in Feet per City of Seattle GIS	***75'***	***70'***	***65'***	***55'***	***50'***	***47'***	***35'***
# of Poles of Each Length	**1**	**2**	**2**	**4**	**2**	**10**	**2**
Actual Pole Height in Feet	65.5'*	61'*	56.5'*	47.5'*	43'*	40.3'*	29.5'*

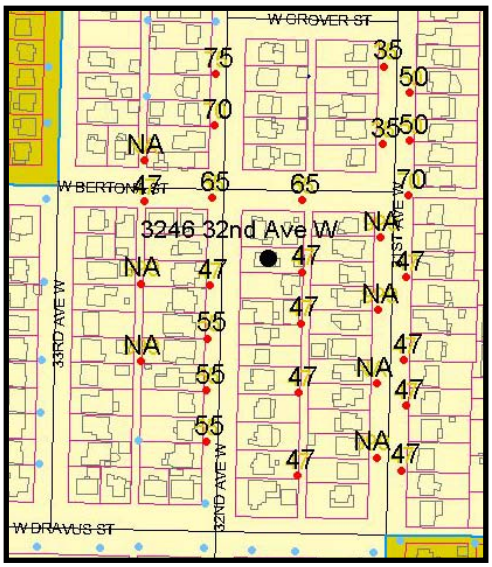
Seven (7) out of the thirty (30) poles within 450' of the subject pole did not have usable data for this analysis.

Table 1

* City of Seattle GIS data shows the pole *lengths* (Poleht) as the actual length of the pole including the portion of the pole below grade. Seattle City Light construction standard or (below grade) requirement for utility pole depth is as follows: [10% of pole length plus (+) two (2) feet]. ** The southern pole is a total length of 47' (x10% + 2') = **6.7'** below grade and a height above grade of **40.3'**. The pole to the North of the subject pole is a total length of 65' (x10% + 2') = **8.5'** below grade and a height above grade of **56.5'**.

As proposed, the minor communications utility will constitute a visual intrusion to the existing residential character of the surrounding neighborhood. The visual impact that would be created by the proposed minor communication utility has some mitigating factors which deserve discussion:

Graphic 1



Utility Pole Lengths Within 450' of the Subject Pole. GIS Datum: City of Seattle

1. The location of the proposed utility pole is to be located in an alley. The alley location provides a buffer area from the adjacent rights-of-way and the readily used pedestrian walkways, which minimizes the pole's visual impact created by the additional height.

2. A tree in close proximity to the proposed pole provides a natural element backdrop that introduces a blending, transitional and mitigating factor. The tree is located approximately fifteen (15') west of the pole location. The said tree is at a height level comparable to the existing height of the subject pole (42'). As a result the proposed pole height will project approximately 18'-20' above the crown of the tree.

3. The proponent proposes to paint the exterior antennas to match the proposed brown color of the laminated wood pole which will provide a similar color to surrounding utility poles in the area.

In summary, the proposed pole will have some detrimental impacts to the surrounding residentially zoned area. The overall bulk of the proposed pole will be noticeable to vehicle passers by as well as the residents in the vicinity due to its area and volume when compared with other utility poles in the area. The height of the pole will be significantly greater than most poles located on the subject block. Certain easily identifiable aspects of the pole like the climbing pegs and exposed conduit wiring (at the top of the pole) are uncommon to other utility poles in the area and cause a degree of intrusiveness. While there are some mitigating factors such as the proposed color of the pole and antennas, the tree in close proximity, and the alley location, these factors do not mitigate the visual detriment caused by the height and bulk of the proposed utility pole.

b. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.

The only provision contained with SMC Section 23.57.016 that applies to the proposal is subsection J. However, even that subsection applies to freestanding transmission towers.

Technically, utility poles are not freestanding transmission towers. However, the similarities of the two warrant consideration of subsection J, which reads as follows:

> *SMC 23.57.016-J*
> *Freestanding transmission towers shall minimize external projections from the support structure to reduce visual impacts and to the extent feasible shall integrate antennas in a screening structure with the same dimensions as external dimensions of the support structure, or shall mount antennas with as little projection from the structure as feasible. External conduits, climbing structures, fittings, and other projections from the external face of the support structure shall be minimized to the extent feasible.*

The applicant proposes a square (2'-1 ½" by 1'-4 ¼") shaped laminated wood utility pole with the existing transformer and power lines to be replaced. New projections to the pole include climbing pegs, external wiring (at the top of the pole under the antennas) as well as the cable cover which houses the required conduits. The shroud and attached antennas are proposed to be round, similar to the pole width dimensions. While the design of the shroud and antennas attempts to integrate with the laminated wood pole, the external projections, climbing pegs and external conduits clearly are not minimized to the extent feasible.

c. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:

i. the antenna is at least one hundred feet (100') from a MIO boundary; and
ii. the antenna is substantially screened from the surrounding neighborhood's view.

The proposed site is not located within a Major Institution Overlay, therefore this provision is not applicable.

d. If the minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following: (i) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and (ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.

The proposed antennas will be on a laminated wood utility pole. The proposed minor communication facility would be 61'-1" feet high (not including the attached lightning rod) and exceeds the thirty (30') feet height limit of this Single Family zone. At 61'-1" in height, the proposed laminated utility pole would cause some view blockage and shadow impacts in the area because of the height and bulk of the proposed pole. As stated earlier, the tree in close proximity to the proposed pole and alley location provide some mitigating relief from the shadow and view impacts.

The original proposal and plan set (June 20th 2002) showed a pole height of 56'-1", but after the two requested corrections were addressed, the plans were revised as the height was extended to

61'-1". The original proposal showed a different bracket system to secure the antennas. This configuration showed the antenna brackets at the same elevation as the antennas, but this bracket design forced the antennas to project beyond the face of the pole approximately one (1) foot, causing a flowering effect at the top of the pole. Prior to the revised height, the proponent submitted an "after" cellular coverage plot that showed "…service that will be provided by the new location at a height of 56' (RAD) Center 53'°)." In regards to the originally requested 56'-1" height, the proponent went on to state that "the proposed site will provide the much needed coverage as shown by the 'after' plot." As a result of the revised design, with the brackets being located below the antennas, the separation requirement from Seattle City Light (discussed below) requires that brackets also meet the separation requirement of 7'-1". As a result of the revised design, the antennas, associated brackets and shroud extend 12' above the 7'-1" separation requirement for a total height of 19'-1" above the 26 kilovolt distribution line.

It is clear that the antennas would function at an acceptable coverage level at the original 56'-1" height, but due to design problems, the revised pole is proposed to be 61'-1" in height, which is not the minimum necessary for the proper functioning of the utility. As stated by the proponent in the original ACU zoning analysis document, "As for the required antenna height, the specified center line° is the minimum acceptable to provide the needed coverage with respect to that from neighboring cell sites."

Seattle City Light (SCL) has specific construction guidelines (Standard # D2-1.2) for separation requirements from power lines. The voltage (approximately 26,000 volts or 26kv) of the subject pole lines and conductors requires a 7'-1" separation from all antennas and attachments (including bracing brackets for antenna mounting). The application proposes a 7'-1" conductor to antenna bracing bracket separation which is required per Seattle City Light guidelines. The brackets which are required to brace the proposed antenna panels are 3'-11" in length. The total separation from the pole wires and conductors to the bottom of the antenna is 12'-7" as is shown per plan. The antennas are a proposed length of 6', as the total separation from the power lines and conductors to the top of the antenna shroud is proposed at 19'-1".

e. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

According to the information received by DPD, the applicant proposed coverage area is the "bowl" area discussed earlier. The terrain, foliage, nearby structures and distance between other wireless communication facilities influenced the applicant's decision to try to locate the proposed minor communication utility in the alley.

Radio frequency coverage maps were submitted by the proponent showing before and after coverage of the area with and without the proposed utility. The maps show a gap in urban indoor, in-vehicle, and residential service between two existing T-Mobile installations (Existing sites: Osteldo, Pactest, farwest, Carnolia) as noted on the radio frequency coverage maps

submitted with the corrections. It was not clearly demonstrated that a greater number of less obtrusive cell sites were fully considered.

f. If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A, except for minor communication utilities located on a freestanding water tower or similar facility.

This is the first utility proposed on the lot and as a result this section does not apply.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

a. The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

Visual impacts related to the proposed mechanical equipment will not be significant as the equipment will be housed in an existing garage on the subject site and will not be visible to the surrounding residential area. The single family structure is required to have one (1) parking place per zoning requirements; the home currently has a two car garage and area to provide one space north of the subject garage. The proposal is to remove both parking places within the garage and replace them with one (1) parking space proposed to the north of the subject garage.

The noise associated with the proposed radio cabinet fans addressed in the submitted noise analysis by SSA Acoustics concluded that the "predicted sound level produced by the proposed radio cabinet fans at the closest property line (north) is predicated to be about 32dBA which is below the SMC maximum permissible level of 45dBA. The resulting sound level values at the closest property line are based on the 'worst case' of sound propagation from the side of the fan enclosure while operating. Additional attenuation will be achieved at the site from foliage, terrain and objects within the sound path." As a result of the said noise report and analysis, the noise associated with the radio cabinet fans is in concurrence with the above criteria and City of Seattle Municipal Code (SMC), 25.08 Noise Control. The proposed equipment is to be located in a detached garage in the rear yard of the subject site, will be in concurrence with the said City of Seattle Noise Control standards.

The proposed mechanical equipment will be compatible with other uses allowed in the zone as the accessory structure will still appear visually as a garage from the exterior. The traffic expected from the proposal is expected to have a minimal impact as the proposal is to be unmanned and will require minimal maintenance (one trip per month) and as a result will have a minimal traffic impact. During the remodel, traffic will be minimal as the scope of work doesn't require large service vehicles, substantial building materials or staging areas. No dwelling units will be displaced as a result of the proposal.

b. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.

No section from 23.57.016 applies to the subject proposal, therefore no analysis is required.

c. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:

(i) The antenna is at least one hundred (100) feet from a MIO boundary, and
(ii) The antenna is substantially screened from the surrounding neighborhood's view.

The proposal is not within a Major Institution Overlay.

d. If the proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following:

(i) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and
(ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.

The proposed mechanical equipment is not proposed to exceed the height of the zone.

e. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

The mechanical equipment is not a new freestanding transmission tower, therefore this section does not apply to the proposal.

f. If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A, except for minor communication utilities located on a freestanding water tower or similar facility.

This is the first utility proposed on the lot and as a result this section does not apply.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated June 20th, 2002. Information in the checklist was supplemented by the other materials. The information in the checklist, supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) states, in part, "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant pursuant to SMC 25.05.794. Noise related the replacement of the pole, re-guiding of power lines, and other related construction noise will have an adverse affect on the surrounding residential area and proper conditioning related to allowable construction hours is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies. Other long-term impacts include: height, bulk and scale impacts to the surrounding residential areas and exposure to electromagnetic emission. These long term impacts are not considered significant.

Land Use

The Seattle Land Use Code and the Street Use Code specifically contemplate and regulate the location of minor communication facilities. The administrative conditional use criteria found in SMC 23.57 adequately mitigates potential adverse impacts of siting telecommunication antennas where they could be permitted in Single Family Zones whether a proposal requires the ACU for location on private property or requires a siting review and recommendation to the Superintendent of City Light. Therefore, the proposal does not warrant conditioning pursuant to the SEPA Land Use Policy 25.05.675 J.

Environmental Health

The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the

Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, pose no threat to public health. Additionally, the FCC has pre-empted State and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions.

Summary

In conclusion, while there may be several adverse effects on the environment resulting from the proposed development, they would be minor in scope and would be appropriately regulated by existing codes and ordinances, short term construction impacts not withstanding.

SITING RECOMMENDATION TO SUPERINTENDENT OF SEATTLE CITY LIGHT

Based on the above analysis the Director of the Department of Planning and Development recommends to the Superintendent of Seattle City Light to **deny** the application to install a minor communication utility on Seattle City Light pole in the public right-of-way (alley) in a residential zone.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to the Issuance of the Master Use Permit (Non-Appealable):

1. The proposed minor communication utility (T-Mobile) consisting of 3 panel antennas located in the right-of-way atop a City Light pole must be approved by Seattle City Light.

2. Revise the MUP plans to show any corrections required by Seattle City Light.

3. The existing fourteen (14) foot high garage/accessory structure shall have its height reduced to a maximum of twelve (12) feet, as the use of the garage is being changed to an accessory structure and must now meet the requirements of SMC 23.44.040. A permit shall be finaled proving that the garage has been altered as required by this condition. The project and permit numbers shall be added to the plan set.

Prior to building permit final ispection

4. Landscaping or screening in the form of a fence or bushes shall be erected on the north side of the subject garage to obscure and baffle the intake fan, exhaust fan, and electrical meter. The screening or landscaping shall be integrated with the style, design, color and architectural detail of the accessory structure. The height of the landscaping or screening shall be no less than the height of the intake and exhaust fans unless in conflict with the land use code SMC 23.44.

For the Life of the Permit

5. The required screening shall be maintained as long as the cellular antenna is functioning.

CONDITIONS – SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

6. The hours of construction activity shall be limited to non holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise work.

Signature: (signature on file) Date: January 8, 2004
Colin Vasquez, Land Use Planner
City of Seattle Department of Planning and Development
Land Use Services

LD:rgc
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